Case 2:08-cv-00197-J-BB Docum	nent 13	Filed 06/10/09	Page 1 of 2019 Page 10146			
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FOR THE NORTHERN DISTRICT OF TEXAS						
AMARILLO DIVISION			JUNI	0 2009		
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EMILIO SANCHEZ DURAN	§			BY		`
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Petitioner,	8					······································
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v.	8	2:08-CV-	0197			
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NATUANIEI OHADTEDMANI Diagrafia	8					
NATHANIEL QUARTERMAN, Director,	8					
Texas Department of Criminal Justice,	§					
Correctional Institutions Division,	§					
	§					
Respondent.	8					

## ORDER ADOPTING REPORT AND RECOMMENDATION and DENYING ISSUANCE OF A CERTIFICATE OF APPEALABILITY

Petitioner has filed a notice of appeal and a motion for certificate of appealability in the above-captioned habeas corpus case in which the detention complained of arises out of process issued by a State court. On March 12, 2009, the United States Magistrate Judge entered a Report and Recommendation in this case recommending therein that the Petition for a Writ of Habeas Corpus filed by petitioner be dismissed. On March 31, 2009, petitioner filed objections to the Report and Recommendation. On April 10, 2009, the undersigned entered an Order overruling the objections, adopting the Report and Recommendation, and dismissing the habeas application, together with a corresponding Judgment.

On April 23, 2009, petitioner filed a notice of appeal and a motion for certificate of appealability. On April 24, 2009, the United States Magistrate Judge entered a Report and Recommendation in this case recommending therein that the motion for certificate of appealability be denied. On May 7, 2009, petitioner was granted, upon his motion, a two-week time extension in which to file any objections to the Report and Recommendation. As of this date, no objections to the

Magistrate Judge's Report and Recommendation have been filed of record.

Having considered the record in this case, the undersigned United States District Judge is of the opinion petitioner has not made a prima facie showing for issuance of a certificate of appealability under 28 U.S.C. § 2253(c)(1). Accordingly, the Magistrate Judge's Report and Recommendation to deny issuance of a certificate of appealability is hereby ADOPTED. For the reasons stated in both Reports and Recommendations and the Order adopting the March 12, 2009 recommendation and denying the petition, a Certificate of Appealability is hereby *denied*.

IT IS SO ORDERED.

ENTERED this \_\_\_\_\_\_ day of \_\_

2009.

MARY LOU ROBINSON

UNITÉD STATES DISTRICT JUDGE